



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: October 17, 2023
MOAHR Docket No.: 23-005134
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on October 12, 2023. Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Alice Gilmer, Family Independence Manager, and Craig Cochran, Eligibility Specialist.

At the hearing, Petitioner waived her right to receiving and reviewing the 13-page hearing packet prior to the hearing and the packet was entered into evidence as MDHHS's Exhibit A. MDHHS testified they will re-send Petitioner a hearing packet for her records.

ISSUE

Did MDHHS properly deny Petitioner's August 8, 2023 State Emergency Relief (SER) application for energy services?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On August 8, 2023, Petitioner applied for SER for assistance with paying energy bills to DTE.
2. On August 16, 2023, MDHHS issued a SER Decision Notice to Petitioner, informing her that her application was denied for failure to submit verification of an emergency/need (Exhibit A, pp. 8-11).

3. On August 28, 2023, MDHHS received Petitioner's timely submitted hearing request disputing the denial of her SER application (Exhibit A, pp. 3-5).

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

Petitioner requested a hearing regarding the denial of her SER application. Petitioner's application was denied for failure to submit verification of need/emergency.

Low-income households who meet all State Emergency Relief (SER) eligibility requirements may receive assistance to help them with household heat and electric costs. Funding for energy services assistance is provided through the Low-Income Home Energy Assistance Program (LIHEAP). A household may receive one SER payment for heat and one for non-heat electricity, up to the SER cap, each fiscal year based on the SER Service Request Date. ERM 301 (April 2023), p. 1. Clients **must** be informed of all verifications that are required and where to return verifications. The due date is eight calendar days, which begins on the date the SER Verification Checklist is generated. ERM 103 (October 2022), pp. 5-6 (Emphasis added).

In this case, on August 8, 2023, Petitioner applied for SER to assist with payment to DTE for electricity services. On August 16, 2023, MDHHS issued a SER Decision Notice to Petitioner, informing her that her application was denied for failure to submit verification of an emergency/need. MDHHS acknowledges that they did not inform Petitioner that she needed to submit a verification of need. When Petitioner received the Denial Notice, she inquired as to the reason for the denial with MDHHS. At that time, Petitioner was informed that she needed to submit verification of an emergency. Petitioner submitted a DTE bill the same day as receiving the Denial Notice (see Exhibit A, pp. 12-13). MDHHS was required to inform Petitioner of the information needed to process her SER application as stated in ERM 103. Since MDHHS did not inform Petitioner that she was required to submit a verification of need or issue a VCL for the August 8, 2023 application, they did not act in accordance with policy in denying Petitioner's application for failure to provide proof of need or an emergency.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that MDHHS did not act in accordance with Department policy when it denied Petitioner's SER application.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister the August 8, 2023 SER application;
2. Reprocess the August 8, 2023 application;
3. If Petitioner is eligible for benefits, issue supplements to Petitioner for any SER benefits she was eligible to receive but did not from August 8, 2023 ongoing;
4. Notify Petitioner of its decision in writing.



Danielle Nuccio
Administrative Law Judge

DN/tm

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via-Electronic Mail :

DHHS

Denise Key-McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239

**MDHHS-Wayne-15-Greydale-
Hearings@michigan.gov**

Interested Parties

J. McLaughlin
E. Holzhausen
BSC4

Via-First Class Mail :

Petitioner

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